

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

UNITED STATES OF AMERICA)	
)	
v.)	No. 2:08-CR-27
)	
STEVEN SHIPE)	

MEMORANDUM AND ORDER

This criminal case is before the court on the defendant's motion for a continuance of his trial [doc. 34]. Counsel for the defendant says that he is scheduled to be out of town at the time of the trial,¹ that additional time is needed to prepare the case for trial, and that there are objections pending to the magistrate judge's report and recommendation. The government has no objection to the motion.

The court will grant the defendant's motion. The court finds that the ends of justice served by granting the motions outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A). The court finds that the failure to grant the defendant's motion would deny his counsel the time necessary to complete his preparations for trial and to determine the best way to resolve this case following the entry of this court's memorandum and

¹ The court has to wonder why counsel either allowed the trial to be set during his vacation or scheduled his vacation at a time when he had a trial set.

order on his motion to suppress evidence. 18 U.S.C. § 3161(h)(8)(B)(iv).

Therefore, all the time from the filing of the defendant's motion for a continuance to the new trial date is excludable as provided by the Speedy Trial Act. 18 U.S.C. § 3161(h)(8)(A).

It is hereby **ORDERED** that the defendant's motion for a continuance is **GRANTED**, and the trial is **CONTINUED** to August 19, 2008, at 9:00 a.m. in Greeneville.

ENTER:

s/ Leon Jordan
United States District Judge